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Railway Company, to compel the Norfolk & Western Railway Company and the Louisville & Nashville Railroad Company to permit the Interstate Railroad Company to use their common depot in the town of Norton. From an order of the Corporation Commission denying such relief, petitioner appeals. Affirmed, on the opinion of the chairman of the commission.

Irvine & Morrison, for appellant.

L. H. Cocke, C. T. Duncan, H. L. Stone, and *A. E. Brandeis*, for appellees.

COPPERTHITE *v.* LOUDOUN NAT BANK et al.

June 9, 1910.

[68 S. E. 392.]

1. Evidence (§ 76*)—Failure to Testify—Presumptions.—When defendant can by his own testimony throw light upon matters necessary to his defense and peculiarly within his own knowledge if the fact exists and he fails to testify, the presumption is raised that the facts do not exist.

[Ed. Note.—For other cases, see Evidence, Cent. Dig. § 96; Dec. Dig. § 76.* 11 Va.-W. Va. Enc. Dig. 328, et seq.; also, 14 Id. 839, et seq.]

2. Trial (§ 105*)—Failure of Defendant to Testify—Written Statement—Probative Effect.—Where a defendant had failed to testify, but voluntarily furnished counsel for plaintiffs with a signed statement of his version of the transaction, which was filed in the case, it was entitled to its natural probative effect.

[Ed. Note.—For other cases, see Trial, Cent. Dig. §§ 260-266; Dec. Dig. § 105* 5 Va.-W. Va. Enc. Dig. 320.]

3. Fraudulent Conveyances (§ 158*)—Notice of Fraud—Actual Notice—Bona Fide Purchaser.—One purchasing with a knowledge of facts sufficient to put a prudent man on inquiry, or to lead one of ordinary perception to infer fraud, has notice, equivalent to actual knowledge in contemplation of law, and cannot be deemed a bona fide purchaser.

[Ed. Note.—For other cases, see Fraudulent Conveyances, Cent. Dig. §§ 500-503; Dec. Dig. § 158.* 6 Va.-W. Va. Enc. Dig. 628, et seq.; also, 14 Id. 491.]

Appeal from Circuit Court, Loudoun County.

Suit by the Loudoun National Bank and others against Henry.

*For other cases see same topic and section NUMBER in Dec. & Am. Digs. 1907 to date, & Reporter Indexes.

Copperthite and others. Decree for plaintiffs, and defendant Copperthite appeals. Affirmed.

Moore, Barbour & Keith, for appellant.

Cecil Connor and E. E. Garrett, for appellees.

POTOMAC, F. & P. R. CO. v. CHICHESTER.

June 15, 1910.

[68 S. E. 404.]

1. Master and Servant (§§ 101, 102*)—Safety of Place of Work—Employer's Duty.—An employer must use ordinary care to provide a reasonably safe place of work for his employees, considering the character of the work, and is liable for injuries resulting from failure to use such care; but he may choose any reasonably safe method, being not required to adopt the newest and the best.

[Ed. Note.—For other cases, see Master and Servant, Dec. Dig. §§ 101, 102.* 9 Va.-W. Va. Enc. Dig. 669, et seq.; also, 14 Id. 689 et seq.]

2. Master and Servant (112*)—Railroads—Safety of Place of Work—Switches and Y's.—As affecting the safety of employees, the location of a railway siding or switch for freight purposes, as to its curves and grades, is ordinarily an engineering question, which the company is entitled to settle for itself.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 213-223; Dec. Dig. § 112.* 9 Va.-W. Va. Enc. Dig. 670; also, 14 Id. 686.]

3. Master and Servant (§ 112*)—Railroads—Safety of Place of Work—Y's.—As affecting a railway company's liability for the death of a brakeman, who was unable to stop a car he was handling on a Y by gravity, the Y was not negligently constructed, though the curves at one point were so sharp that locomotives could not run over it, and the grades were heavy, where the Y had been so maintained for 15 years without injury to any one.

[Ed. Note.—For other cases, see Master and Servant, Cent. Dig. §§ 213-223; Dec. Dig. § 112.* 9 Va.-W. Va. Enc. Dig. 670; also, 14 Id. 686.]

4. Master and Servant (§§ 137, 217*)—Railroads—Constitutional and Statutory Provisions—Effect.—Const. 1902, § 162 (Code 1904, p. cclix), and Code 1904, § 1294k, providing that a railway employee's knowledge of defects in appliances shall not bar recovery for injury caused by them, does not prevent a railway company from adopting any reasonably safe methods in conducting its business or constructing its switches, nor do they change the rule that any risk due merely to the character of a switch is one of the risks of employment.

[Ed. Note.—For other cases, see Master and Servant, Dec. Dig. §§ 137, 217.* 9 Va.-W. Va. Enc. Dig. 680.]

*For other cases see same topic and section NUMBER in Dec. & Am. Digs. 1907 to date, & Reporter Indexes.